

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 1, 2004
SAN FRANCISCO, CALIFORNIA**

S127649

B169465 Second Appellate District,
Division One

ORDLOCK v. FRANCHISE TAX BOARD

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127874

C044636 Third Appellate District

FELLOWS, MARRIAGE OF

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127921

E030908 Fourth Appellate District,
Division Two

CARTER v. CALIF DEPT OF VETERANS AFFAIRS

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S127961

B159310 Second Appellate District,
Division Five

ADAMS v. LOS ANGELES UNIF SCHOOL DIST

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S128442

G031061 Fourth Appellate District,
Division Three

PEOPLE v. WRIGHT

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S128603

D042251 Fourth Appellate District,
Division One

COPLEY PRESS v. S.C. (COUNTY OF SAN DIEGO)

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S123790

B160209 Second Appellate District,
Division Seven

PEOPLE v. SEIJAS

Supplemental briefing ordered

The court requests the parties to file supplemental briefs directed to the question whether appellant has preserved for appeal the claim that the trial court improperly permitted Jonathan G. to assert the privilege against self-incrimination

If the Attorney General files a reply brief, that brief may also discuss this question. Otherwise, the Attorney General may file a separate supplemental brief on or before December 21, 2004. Appellant may file a supplemental answer brief limited to this question on or before 20 days after the Attorney General has briefed the question. The Attorney General may file any reply brief limited to this question on or before ten days after appellant has filed the supplemental answer brief.

S124179

D041058 Fourth Appellate District,
Division One

KOEBKE v. BERNARDO HTS COUNTRY CLUB

Supplemental briefing ordered

The court requests the parties to file supplemental briefs directed to the following question:

What impact does Family Code section 297.5, operative January 1, 2005, have on plaintiffs' marital status discrimination claim under the Unruh Act?

The parties are directed to file simultaneous letter briefs on this question in the San Francisco office of the Supreme Court on or before Monday, January 3, 2005. Simultaneous reply briefs may be filed in the San Francisco office of the Supreme Court on or before Monday, January 10, 2005.

S119248

B150912 Second Appellate District,
B151175 Division Three
B152562

**BURBANK, CITY OF v. STATE WATER
RESOURCES CONTROL BOARD**
Issues ordered limited

The issue to be briefed and argued is limited to the following: Whether California's Porter-Cologne Water Quality Control Act requires a

Regional Water Quality Control Board to take into account compliance costs when it sets specific pollutant limitations in a wastewater discharge permit issued to a publicly owned wastewater treatment facility.

S128181

E029354 Fourth Appellate District,
Division Two

PEOPLE v. OATES

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Smith*, S123074 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S128561

C044445 Third Appellate District

PEOPLE v. SAMPLE

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Towne*, S125677 and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S128657

B167710 Second Appellate District,
Division Six

PEOPLE v. BUTLER

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Towne*, S125677 and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing,

pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S128771

D042549 Fourth Appellate District,
Division One

PEOPLE v. LEMUS

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Towne*, S125677 and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S128826

A098818 First Appellate District,
A098607 Division Five

GRAHN v. EXXON MOBIL CORPORATION

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Kinsman v. Unocal*, S118561 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S128835

B167962 Second Appellate District,
Division Four

PEOPLE v. HEROD

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a

related issue in *People v. Towne*, S125677 and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S116432

HILL (WAYNE C.) ON H.C.

OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show cause before the San Bernardino County Superior Court, when the matter is placed on calendar, why petitioner's convictions and sentences on Counts 5 and 6 in case number FSB 16067 for kidnapping with intent to commit a sex offense, plus two enhancements for principal armed with a firearm, should not be stayed, pursuant to Penal Code section 654. (See the Attorney General's concession in Informal Response at p. 38; *People v. Latimer* (1993) 5 Cal.4th 1203, 1216-1217.) The return is to be filed on or before December 30, 2004.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S126541

B171673 Second Appellate District,
Division Six

BLAIR v. S.C. (PEOPLE)

Dismissed per rule 29.3(b), and remanded to CA 2/6

In light of the decision of the Executive Committee of the Superior Court of the County of Santa Barbara to abandon the system of jury selection that formed the basis for this court's grant of review, the matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S127338

B168765 Second Appellate District,
Division Three

GRACE v. EBAY

Dismissed per rule 29.3(b), and remanded to CA 2/3

On motion of plaintiff and appellant, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S127816

H026392 Sixth Appellate District

SADEGHY (EBRAHIM) ON H.C.

Petition for review & publication request denied

S127823

B177057 Second Appellate District,
Division Two

WILLIAMS (NATHANIEL) ON H.C.

Petition for review denied

S127844

F042980 Fifth Appellate District

HANEY v. ARAMARK

Petition for review denied

S127867

A107238 First Appellate District,
Division Three

SOLE (JIMMIE) ON H.C.

Petition for review denied

S127885

B176615 Second Appellate District,
Division Five

BRUMETT (SCOTT) ON H.C.

Petition for review denied

S127917

SIERING v. COMMITTEE OF BAR EXAMINERS

Petition for writ of review denied

S127923

B166186 Second Appellate District,
B166739 Division Five

SALAWY v. OCEAN TOWERS HOUSING CORP

Petition for review denied

S127964

B176693 Second Appellate District,
Division Five

GADLIN (GREGORY) ON H.C.

Petition for review denied

S127974
F043934 Fifth Appellate District

MAJISTEE CORP v. LEWIS
Petition for review denied

S128016
F041778 Fifth Appellate District

CALIFORNIA-NEVADA ANNUAL CONFERENCE v.
ST. LUKES METHODIST CHURCH
Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.
Baxter, J., was recused and did not participate.

S128040
B170016 Second Appellate District,
Division Five

SHAHINIAN v. WEISS
Petition for review denied

Brown, J., is of the opinion the petition should
be granted.

S128083
E036509 Fourth Appellate District,
Division Two

MEDWAY (SAMUEL LEE) ON H.C.
Petition for review denied

S128092
B175220 Second Appellate District,
Division Eight

ZAMUDIO v. CHARLES R. DREW UNIVERSITY
Petition for review denied

S128133
E036222 Fourth Appellate District,
Division Two

RIVERSIDE COUNTY MEDICAL CENTER v. S.C.
(RODRIGUEZ)
Petition for review denied

S128174
B172662 Second Appellate District,
Division Five

YUEN v. S.C. (GEMSTAR-TV GUIDE)
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S128186
B162067 Second Appellate District,
Division Four

WATTS INDUSTRIES INC. v. ZURICH AMERICAN
INSURANCE CO.
Petition for review denied

S128209

B168229 Second Appellate District,
Division Eight

MALIBU, CITY OF v. CALIF COASTAL COMM
Petition for review & depublication request denied

S128213

B169521 Second Appellate District,
Division Eight

CHRISTIANSEN v. FIRE INSURANCE EXCHANGE
Petition for review denied

S128222

B168276 Second Appellate District,
Division Eight

PEOPLE v. THORBOURN
Petition for review denied

S128234

B162986 Second Appellate District,
Division Three

CULBERTSON v. SAN GABRIEL UNIFIED SCHOOL
Petition for review denied

S128250

B169478 Second Appellate District,
Division Seven

PEOPLE v. BONILLA
Petition for review denied

S128278

E034178 Fourth Appellate District,
Division Two

PEOPLE v. CARRION
Petition for review denied

S128284

B164233 Second Appellate District,
Division Two

DRABEK v. AAI CORPORATION
Petition for review denied

S128287

C042832 Third Appellate District

COLLINS v. STATE OF CALIFORNIA
Petition for review denied

S128294

B166003 Second Appellate District,
Division Three

PEOPLE v. RAMOS
Petition for review denied

S128307

D045030 Fourth Appellate District,
Division One

WOOTEN (CARL EDWARD) ON H.C.
Petition for review denied

S128348

D041375 Fourth Appellate District,
Division One

PEOPLE v. KING

Petition for review & publication request denied

S128364

B178057 Second Appellate District,
Division Five

SANTA MONICA COLLECTION v. S.C. (STERLING)

Petition for review denied

S128367

A105961 First Appellate District,
A106235 Division Three

ELLISON v. S.C. (AKHTER)

Petitions for review denied

S128371

B168091 Second Appellate District,
Division Six

WASHINGTON v. COUNTY OF SANTA BARBARA

Petition for review denied

S128388

B176903 Second Appellate District,
Division Six

BERRY v. W.C.A.B. (CONSTITUTION STATE SVC)

Petition for review denied

S128390

B176862 Second Appellate District,
Division Five

PARROTT (RUDOLPH) ON H.C.

Petition for review denied

S128394

C047682 Third Appellate District

GIBBS (ANTHONY JAMES) ON H.C.

Petition for review denied

S128396

B177873 Second Appellate District,
Division One

MCINTOSH v. S.C. (PEOPLE)

Petition for review denied

S128401

A101941 First Appellate District,
Division One

SIERRA CLUB v. COUNTY OF NAPA
(BERENGER WINE ESTATES)

Petition for review & depublication request denied

S128407

D040335 Fourth Appellate District,
Division One

EBERT v. HURST

Petition for review denied

S128416 F045016 Fifth Appellate District	N. (ETHAN), IN RE Petition for review denied
S128425 B172042 Second Appellate District, Division One	PEOPLE v. BLAKE Petition for review denied
S128435 B167817 Second Appellate District, Division Six	EDDY v. FIELDS Petition for review denied
S128446 G033351 Fourth Appellate District, Division Three	GONLUGUR v. CIRCUIT CITY STORES INC. Petition for review denied
S128451 C047820 Third Appellate District	FLORIN PERKINS LANDFILL v. S.C. (CLEAVINGER) Petition for review denied
S128475 B162138 Second Appellate District, Division Seven	PEOPLE v. BROWN AND HENSON Petitions for review denied
S128476 H025679 Sixth Appellate District	PEOPLE v. JONES Petitions for review denied
S128477 G032471 Fourth Appellate District, Division Three	PEOPLE v. RITCHIE Petition for review denied
S128479 B159513 Second Appellate District, Division One	COE v. CITY OF LOS ANGELES Petition for review denied
S128480 E034480 Fourth Appellate District, Division Two	PEOPLE v. ORTGIES Petition for review denied

S128487

B174874 Second Appellate District,
Division Five

GONZALEZ (EDWIN N.) ON H.C.
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S128510

B160743 Second Appellate District,
Division Eight

ALGOE v. KNISS
Petition for review denied

S128512

G032446 Fourth Appellate District,
Division Three

CONSULTING GROUP v. O'NEAL
Petition for review denied

S128515

C041629 Third Appellate District

PEOPLE v. SALAZAR
Petition for review denied

S128517

D042805 Fourth Appellate District,
Division One

PEOPLE v. RUSH
Petition for review denied

S128532

H026332 Sixth Appellate District

M. (DANIEL), IN RE
Petition for review denied

S128533

F042129 Fifth Appellate District

PEOPLE v. GONZALES
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S128546

A102834 First Appellate District,
Division Three

PEOPLE v. CASSIDY
Petition for review denied

S128547

H027728 Sixth Appellate District

MURPHY v. S.C. (GREGORCZUK)
Petition for review denied

S128548

H026312 Sixth Appellate District
H027479

PEOPLE v. MENDOZA
Petition for review denied

S128549

B165994 Second Appellate District,
Division Six

PEOPLE v. PRICE

Petition for review denied

S128551

E034625 Fourth Appellate District,
Division Two

PEOPLE v. PETERSON

Petition for review denied

S128552

A107860 First Appellate District,
Division Three

IRELAND (ROD WILLIAM) ON H.C.

Petition for review denied

S128553

C042559 Third Appellate District

PEOPLE v. HUFTILE

Petition for review denied

S128556

B167868 Second Appellate District,
Division Six

PEOPLE v. SPEARS

Petition for review denied

S128557

A105623 First Appellate District,
Division Four

HAZZARD v. OAKLAND CITY COUNCIL

Petition for review denied

S128558

A102595 First Appellate District,
Division One

PEOPLE v. GARCIA

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S128559

F043417 Fifth Appellate District

PEOPLE v. WELCH

Petition for review denied

S128563

G032688 Fourth Appellate District,
Division Three

ARRIGO, MARRIAGE OF

Petition for review denied

S128564

C044279 Third Appellate District

PEOPLE v. MANESS

Petition for review denied

S128567A104453 First Appellate District,
Division One

PEOPLE v. KING

Petition for review denied

S128572

C045798 Third Appellate District

SUTTER DAVIS HOSPITAL v. S.C. (JOHNSON)

Petition for review denied

S128577B176014 Second Appellate District,
Division Five

PEOPLE v. CHAVEZ

Petition for review denied

S128579B164714 Second Appellate District,
Division Seven

PEOPLE v. PEREZ

Petitions for review denied

S128581B177865 Second Appellate District,
Division One

KEMP (RAY ALLEN) ON H.C.

Petition for review denied

S128585B177846 Second Appellate District,
Division Four

WALLER (KEVIN ALEXANDER) ON H.C.

Petition for review denied

S128586B172160 Second Appellate District,
Division Six

PEOPLE v. ANDERSON

Petition for review denied

S128592E034179 Fourth Appellate District,
Division Two

PEOPLE v. PATTERSON

Petition for review denied

S128595B177954 Second Appellate District,
Division Five

GREEN (DEMETRIOUS) ON H.C.

Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled

after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S128596

G034453 Fourth Appellate District,
Division Three

FAIRFAX (TOMMY E.) ON H.C.

Petition for review denied

S128597

C044496 Third Appellate District

PEOPLE v. SANTIFER

Petition for review denied

S128599

G032486 Fourth Appellate District,
Division Three

KING v. CUMMINS

Petition for review denied

S128600

E034542 Fourth Appellate District,
Division Two

PEOPLE v. WALTON

Petition for review denied

S128602

B177876 Second Appellate District,
Division One

McINTOSH (WESLEY) ON H.C.

Petition for review denied

S128614

E034442 Fourth Appellate District,
Division Two

D. (LORI) v. COUNTY OF RIVERSIDE

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S128623

B170804 Second Appellate District,
Division Five

PEOPLE v. PULLIAM

Petition for review denied

S128624

B165097 Second Appellate District,
Division Eight

PEOPLE v. DOUGLAS

Petition for review denied

S128625

E033984 Fourth Appellate District,
Division Two

PEOPLE v. THOMAS

Petition for review denied

S128630

C043962 Third Appellate District

PEOPLE v. BERGEY

Petition for review denied

S128633

A107965 First Appellate District,
Division Three

CALIHAN (KENNETH R.) ON H.C.

Petition for review denied

S128634

C044206 Third Appellate District

PEOPLE v. HALL

Petition for review denied

S128635

E033579 Fourth Appellate District,
Division Two

PEOPLE v. JOHNSON

Petition for review denied

S128644

F043517 Fifth Appellate District

PEOPLE v. CASTRO

Petition for review denied

S128650

E036735 Fourth Appellate District,
Division Two

MANTA MANAGEMENT,CORP v. S.C. (PEOPLE)

Petition for review denied

S128651

MANTA MANGEMENT v. S.C. (PEOPLE)

Petition for writ of mandate/prohibition denied

S128652

C043862 Third Appellate District

PEOPLE v. GOFF

Petition for review denied

S128654

F043866 Fifth Appellate District

PEOPLE v. CARTWRIGHT

Petition for review denied

S128656

B170566 Second Appellate District,
Division Seven

PEOPLE v. CASTRO

Petition for review denied

S128659 F044166 Fifth Appellate District	PEOPLE v. HIGNITE Petition for review denied
S128661 B170162 Second Appellate District, Division Seven	C. (LETICIA), IN RE Petition for review denied
S128664 B164237 Second Appellate District, B174532 Division Four	PEOPLE v. AGUILAR Petition for review denied
S128665 F042557 Fifth Appellate District	PEOPLE v. ESCALANTE Petition for review denied
S128668 E034630 Fourth Appellate District, Division Two	PEOPLE v. CHAVEZ Petition for review denied
S128670 B165439 Second Appellate District, Division Eight	PEOPLE v. DILLIHUNT Petition for review denied
S128672 B170952 Second Appellate District, Division Five	PEOPLE v. WALLACE Petition for review denied
S128674 D042603 Fourth Appellate District, Division One	PEOPLE v. CHANG Petition for review denied
S128675 B168062 Second Appellate District, Division Seven	PEOPLE v. PEREZ Petition for review denied
S128676 E034367 Fourth Appellate District, Division Two	PEOPLE v. MORENO Petition for review denied

S128678

B169270 Second Appellate District,
Division Six

PEOPLE v. CAIRNS

Petition for review denied

S128683

E034410 Fourth Appellate District,
Division Two

PEOPLE v. CLAYTON

Petition for review denied

S128692

E033218 Fourth Appellate District,
Division Two

PEOPLE v. MORENO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S128698

D042408 Fourth Appellate District,
D043767 Division One

PEOPLE v. SUSTAITA

Petition for review denied

S128700

B167689 Second Appellate District,
Division Seven

PEOPLE v. PRECIADO

Petition for review denied

S128702

B167498 Second Appellate District,
Division Four

PEOPLE v. PARK

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S128703

C045886 Third Appellate District

O. (A.), IN RE

Petition for review denied

S128704

C044888 Third Appellate District

PEOPLE v. KIRBY

Petition for review denied

S128706

B167416 Second Appellate District,
B172424 Division Seven

PEOPLE v. WHITE

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S128707

B172227 Second Appellate District,
Division Seven

SANCHO v. RAMIREZ

Petition for review denied

S128717

B168563 Second Appellate District,
Division Two

PEOPLE v. CASTILLO

Petition for review denied

S128719

C041332 Third Appellate District

PEOPLE v. ROBINSON

Petition for review denied

S128720

C042230 Third Appellate District

PEOPLE v. RABINO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

S128721

B164243 Second Appellate District,
Division Eight

PEOPLE v. PICKENS

Petitions for review denied

S128723

D043261 Fourth Appellate District,
Division One

V. (MERRICK), IN RE

Petitions for review denied

Kennard, J., is of the opinion the petition should be granted.

S128724

B175667 Second Appellate District,
Division Five

DAS CORPORATION v. S.C. (KIM)

Petition for review denied

S128725

H026130 Sixth Appellate District

BECKER v. KAJIKURI

Petition for review & publication request denied

S128727

E034620 Fourth Appellate District,
Division Two

BARKER v. GULF CALIFORNIA BROADCASTING

Petition for review denied

S128728

E034073 Fourth Appellate District,
Division Two

PEOPLE v. MILES

Petition for review denied

S128730

E033333 Fourth Appellate District,
Division Two

PEOPLE v. FELTON

Petition for review denied

S128733

B170182 Second Appellate District,
Division Six

PEOPLE v. SOLORZANO

Petition for review denied

S128735

B176318 Second Appellate District,
Division Three

MCWILLIAMS v. S.C. (PEOPLE)

Petition for review denied

S128737

F042735 Fifth Appellate District

PEOPLE v. HEADSPETH

Petition for review denied

S128740

A106977 First Appellate District,
Division Five

MORTONS OF CHICAGO v. W.C.A.B.
(RUVALCABA)

Petition for review denied

S128742

B177851 Second Appellate District,
Division Three

YOUNG (DENEAL DESHAWN) ON H.C.

Petition for review denied

S128743 D044826 Fourth Appellate District, Division One	W. (ELIJAH), IN RE Petition for review denied
S128747 F044139 Fifth Appellate District	PEOPLE v. NAPOLEON Petition for review denied
S128751 B172036 Second Appellate District, Division Five	PEOPLE v. STACKER Petition for review denied
S128752 C046103 Third Appellate District	W. (B.), IN RE Petition for review denied
S128754 B170264 Second Appellate District, Division Three	PEOPLE v. SHERMAN Petition for review denied
S128755 B171957 Second Appellate District, Division Three	PEOPLE v. ESTRADA Petition for review denied
S128757 A107936 First Appellate District, Division Four	CRAIG v. S.C. (PEOPLE) Petition for review denied
S128759 B169386 Second Appellate District, Division Seven	PEOPLE v. FLETCHER Petition for review denied
S128760 G032015 Fourth Appellate District, Division Three	PEOPLE v. GALLEGOS Petition for review denied
S128762 B171107 Second Appellate District, Division Five	PEOPLE v. HUBBARD Petition for review denied

S128768

A102832 First Appellate District,
Division One

PEOPLE v. LOPEZ

Petition for review denied

S128781

F043157 Fifth Appellate District

PEOPLE v. VASQUEZ

Petition for review denied

S128786

B171037 Second Appellate District,
Division Five

PEOPLE v. WONG

Petition for review denied

S128788

B171395 Second Appellate District,
Division Seven

THEMEING SOLUTIONS v. PECK/JONES-OC
AMERICA CONSTRUCTION INC.

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

Chin, J., was recused and did not participate.

S128789

F042525 Fifth Appellate District

PEOPLE v. JONES

Petition for review denied

S128790

D042508 Fourth Appellate District,
Division One

PEOPLE v. REMSEN

Petition for review denied

S128791

A103185 First Appellate District,
Division Five

PEOPLE v. BRYANT

Petition for review denied

S128792

C043174 Third Appellate District

PEOPLE v. JOHNSON

Petition for review denied

S128793

B168168 Second Appellate District,
Division Seven

PEOPLE v. CORDOVA

Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,
S126182, and *People v. Towne*, S125677, the

effect of *Blakely v. Washington* (2004) __
U.S. __ 124 S.Ct. 2531, on California law.

S128798

B178179 Second Appellate District,
Division Six

MARIAN v. S.C. (PEOPLE)

Petition for review denied

S128800

H027704 Sixth Appellate District

NASHIRO v. LOCKHEED MISSILES & SPACE

Petition for review denied

S128801

B178355 Second Appellate District,
Division One

MCINTOSH (WESLEY) ON H.C.

Petition for review denied

S128802

B171666 Second Appellate District,
Division Six

PEOPLE v. BAILEY

Petition for review denied

S128803

C043739 Third Appellate District
C043840

PEOPLE v. MARTIN

Petition for review denied

S128804

G033267 Fourth Appellate District,
Division Three

LUXENBERG, MARRIAGE OF

Petition for review denied

S128828

F042057 Fifth Appellate District

PEOPLE v. PEREZ

Petition for review denied

S128837

B178342 Second Appellate District,
Division One

ROSATI (PHILIP WALKER) ON H.C.

Petition for review denied

S128843

E036705 Fourth Appellate District,
Division Two

MEDINA v. S.C. (PEOPLE)

Petition for review and application for stay denied

S128847

B168993 Second Appellate District,
Division Six

PEOPLE v. JONES

Petition for review denied

S128850

F045898 Fifth Appellate District

W. (AMBER) v. S.C. (FRESNO FAMILY SERVICES)

Petition for review denied

S128853

B171763 Second Appellate District,
Division Seven

PEOPLE v. WATERS

Petition for review denied

S128857

A107650 First Appellate District,
Division Five

MOORE v. S.C. (PEOPLE)

Petition for review denied

S128863

D043034 Fourth Appellate District,
Division One

BROWN v. COLLIER

Petition for review denied

S128881

E034286 Fourth Appellate District,
Division Two

PEOPLE v. FIELDS

Petition for review denied

S128888

E034830 Fourth Appellate District,
Division Two

PEOPLE v. JACKSON

Petition for review denied

S128900

E034238 Fourth Appellate District,
Division Two

PEOPLE v. PHILPOT

Petition for review denied

S128957

B178330 Second Appellate District,
Division Eight

POWELL v. S.C. (PEOPLE)

Petition for review and application for stay denied

S128959

HARRIS v. CA 3 (PEOPLE)

Petition for writ of mandate/prohibition denied

Petition for writ of mandate denied as moot.
(See *People v. Harris*, C048236 [record on
appeal filed Nov. 10, 2004].)

S129151

YURIAR v. CA 2/3 (PEOPLE)

Petition for writ of mandate/prohibition denied

S129327

E031410 Fourth Appellate District,
Division Two

GOMEZ v. CA 4/2 (PEOPLE)

Petition for writ of mandate/prohibition denied

S129347

A107784 First Appellate District,
Division Four

CLARK v. CA 1/4 (PEOPLE)

Petition for writ of mandate/prohibition denied

S129470

B178908 Second Appellate District,
Division Six

EDISON WATERPROOFING & RESTORATION v.
S.C. (TRAVELERS INDEMNITY CO.)

Petition for review and application for stay denied

S114868

LEWIS (MILTON OTIS) ON H.C.

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus filed
on April 1, 2003, is denied.

Each claim is denied on the merits for failure
to state a prima facie case for relief.

Each claim is barred as untimely (see *In re
Robbins* (1998) 18 Cal.4th 770, 780-781; *In re
Clark* (1993) 5 Cal.4th 750, 763-799) except
claim 18 insofar as it alleges ineffective
assistance of prior habeas counsel.

Each claim is barred as successive (see *In re
Clark, supra*, 5 Cal.4th at p. 767-768) except
claim 18 insofar as it alleges ineffective
assistance of prior habeas counsel and claim 6
insofar as it alleges ineffective assistance of trial
counsel in failing to investigate and present
evidence of petitioner's mental state during the
crimes.

Insofar as it alleges ineffective assistance of

trial counsel in failing to investigate and present evidence of petitioner's mental state during the crimes, claim 6 is barred as repetitive of a claim presented in a prior petition. (*In re Miller* (1941) 17 Cal.2d 734, 735.)

Claim 16 is barred because, being based entirely on the facts in the appellate record, it could have been, but was not, raised on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Claim 10 is barred because it was not asserted at trial and it does not depend substantially on facts that petitioner was unaware of and could not reasonably have known at trial. (*In re Seaton* (2004) 34 Cal.4th 193, 200.)

Brown, J., would deny all claims solely on the merits.

S118359

GARFIELD (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S118847

GALLOWAY (PAUL) ON H.C.
Petition for writ of habeas corpus denied

S120689

MONTEZ (VICTOR M.) ON H.C.
Petition for writ of habeas corpus denied

S120737

PAYTON (EDWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S120775

CONNELLY (RONALD) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120941

ANDERSON (BEECHER) ON H.C.
Petition for writ of habeas corpus denied

S120948

FOLSOM (RORY) ON H.C.
Petition for writ of habeas corpus denied

S120986

SAIF'ULLAH (KHALIFAH) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S120996

JOHNSON (GERALD B.) ON H.C.
Petition for writ of habeas corpus denied

S120999

SPERLING (NELS) ON H.C.
Petition for writ of habeas corpus denied

S121001

TIDWELL (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

S121332

PANAMENO (JUAN F.) ON H.C.
Petition for writ of habeas corpus denied

S121597

PROCTOR (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S121643

GUERRA (MARIO) ON H.C.
Petition for writ of habeas corpus denied

S121648

GADLIN (GREGORY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S121655

PALACIO (HERMOGENES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S121659

OGLE (CORKEY) ON H.C.
Petition for writ of habeas corpus denied

S121809

ACUNA (ALEX ISTOK) ON H.C.
Petition for writ of habeas corpus denied

S121889

SMITH (DARRELL M.) ON H.C.
Petition for writ of habeas corpus denied

S122197

HEBNER (ALFRED W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S122245

BARAJAS (ANICETO) ON H.C.
Petition for writ of habeas corpus denied

as untimely (see *In re Robbins* (1998) 18 Cal.4th 770, 780) and on the merits.

S122258

ROBLETO (LIONEL M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122266

HOOVER (MARK A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122268

COLLINS (JESSE) ON H.C.
Petition for writ of habeas corpus denied

S122270

SOLANO (RICHARD T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122272

TODD (PHILLIP) ON H.C.
Petition for writ of habeas corpus denied

S122277

OLIVEREZ (LOUIS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122280

BRADLEY (GILBERT W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S122285

BURGOS (RICHARD M.) ON H.C.
Petition for writ of habeas corpus denied

S122299

HUBBARD (RONALD K.) ON H.C.
Petition for writ of habeas corpus denied

S122320

ALFARO (ASAEL A.) ON H.C.
Petition for writ of habeas corpus denied

S122343

CALDERIN (OMAR) ON H.C.
Petition for writ of habeas corpus denied

S122345

JOHNSON (MICHAEL M.) ON H.C.
Petition for writ of habeas corpus denied

S122348

RANGE (PATRICK M.) ON H.C.
Petition for writ of habeas corpus denied

S122356DEMMA (GREGORY) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S122357**TAPLIN (DARRYLE E.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dexter* (1979) 25 Cal.3d 921.)**S122360**DOMINGUEZ-CRUZ (LUIS) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dixon* (1953) 41 Cal.2d 756.)**S122361**BEDFORD (GREGORY L.) ON H.C.
Petition for writ of habeas corpus denied**S122366**GLEE (PATRICK) ON H.C.
Petition for writ of habeas corpus denied**S122369**CAVINESS (DONALD L.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750.)**S122373**OLIVER (JAMES W.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S122375**ROSE (STEVEN W.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S122376**LOCKETT (EUGENE) ON H.C.
Petition for writ of habeas corpus denied

S122377

ANDRADE (LEANDRO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122378

COLTAR (LARNETTE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S122379

FISHER (DERRICK D.) ON H.C.
Petition for writ of habeas corpus denied

S122381

MOORE (LARRY B.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S122394

FREEMAN (MARK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218.)

S122395

LEE (DONNA KAY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Seaton* (2004) 34 Cal.4th 193.)

S122397

McELROY (JOHN D.) ON H.C.
Petition for writ of habeas corpus denied

S122400

HERNANDEZ (ALFRED) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122408

BOVARIE (MARCUS) ON H.C.
Petition for writ of habeas corpus denied

S122411

ROBERSON (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218; *In re*
Dixon (1953) 41 Cal.2d 756; *In re Lindley*
(1947) 29 Cal.2d 709; *In re Lessard* (1965) 62
Cal.2d 497, 503.)

S122416

SMITH (GAYLORD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780.)

S122431

BURTON (TERRY) ON H.C.
Petition for writ of habeas corpus denied

S122432

MEJICO (STEVE E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re*
Swain (1949) 34 Cal.2d 300, 304; *People v.*
Duvall (1995) 9 Cal.4th 464, 474; *In re Robbins*
(1998) 18 Cal.4th 770, 780.)

S122436

VALENCIA (LUIS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S122444

DELIRA (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S122447

DILL (LEROY) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *In re Miller* (1941) 17 Cal.2d 734; *In re Waltreus* (1965) 62 Cal.2d 218.)

S122450

ABARCA (JOSE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S122452

PAUL (ROBERT) ON H.C.

Petition for writ of habeas corpus denied

S122462

FLEMINGS (KEVIN TYRONE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122463

FLORES (JOSE G.) ON H.C.

Petition for writ of habeas corpus denied

S122483

JOHNSON (DAVID) ON H.C.

Petition for writ of habeas corpus denied

S122484

NEREY (ESTEBAN L.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122489

JAVIUS (JOSHUA) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S122511

HILL (MARVIN) ON H.C.
Petition for writ of habeas corpus denied

S122512

MARTINEZ (LOUIS M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122536

BURNS (ARDIS G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S122538

CARR (ANDRE TYRONE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S122546

MAURER (MARTIN K.) ON H.C.
Petition for writ of habeas corpus denied

S122547

PRADO (MANUEL) ON H.C.
Petition for writ of habeas corpus denied

S122579

REED (LAVELL DESHAWN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S122596

DOUGLAS (LASANCE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218.)

S122601

JACKSON (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S122612

HYNSON (WILLIAM A.) ON H.C.
Petition for writ of habeas corpus denied

as successive (see *In re Clark* (1993) 5 Cal.4th 750), and on the merits.)

S122616

CHRISTOPHER (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S122623

SPENCE (GERALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S122625

THOMAS (OTIS M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S122642

CHAVEZ (SALLY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218.)

S122664JOUDEH (JOUDEH SAMEER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S122673FARRIS (RAY E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S122715DIAZ (JOSE G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Swain (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218.)

S122716BOWDRY (REGINALD L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *People v. Hatcher* (1995) 33 Cal.App.4th 1526.)

S122733ECKSTROM (CARL) ON H.C.
Petition for writ of habeas corpus denied**S122778**FORTE (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Lindley (1947) 29 Cal.2d 709.)

S122941PAUL (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S123257

CHAVEZ (SALLY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Waltreus*
(1965) 62 Cal.2d 218.)

S124999

CARR (ANDRE TYRONE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780.)

S125184

BURGOS (RICHARD M.) ON H.C.
Petition for writ of habeas corpus denied

S126552

MCKINNEY (ALONZO) ON H.C.
Petition for writ of habeas corpus denied

S126570

WILLIAMS (MICHAEL B.) ON H.C.
Petition for writ of habeas corpus denied

S126575

TAYLOR (BRYAN N.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In*
re Dexter (1979) 25 Cal.3d 921.)

S126762

YOUNGBLOOD (JESSE) ON H.C.
Petition for writ of habeas corpus denied

S126839

MCDOWELL (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

S127110

RUIZ (ELMIR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re*
Swain (1949) 34 Cal.2d 300, 304; *In re*
Waltreus (1965) 62 Cal.2d 218.)

S127158

MA (CARSON) ON H.C.
Petition for writ of habeas corpus denied

S127159

MA (CARSON) ON H.C.
Petition for writ of habeas corpus denied

S127161

MA (CARSON) ON H.C.
Petition for writ of habeas corpus denied

S127332

APONTE (BOBBY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S127976

FERGUSON (FREDRIC) ON H.C.
Petition for writ of habeas corpus denied

S128035

SOMERS (KEITH A.) ON H.C.
Petition for writ of habeas corpus denied

S128530

REYNOLDS (VICTOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S128621

TUCKER (WAYNE O.) ON H.C.
Petition for writ of habeas corpus denied

S128642

HAYWOOD (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S128705

LEE (RON) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464,
474.)

S128715

JACKSON (STEVE) ON H.C.
(aka TYRONE SANDERS)
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Miller (1941) 17 Cal.2d 734.)

Kennard, J., was recused and did not participate.

S128738

STURGIS (LAMOS W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S128748

BAIRD (EUGENE) ON H.C.
Petition for writ of habeas corpus denied

S128758

RAYMUNDO (ANTONIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S128922

ECHEVERRIA (LUIS E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S128954

McKINNEY (CLYDE) ON H.C.
Petition for writ of habeas corpus denied

S128983

MANZO (TODD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S128989

RAYMOND (LYNN) ON H.C.
Petition for writ of habeas corpus denied

S129054

MURPHY (MAURICE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129056

RICAFORT (JOSELITO) ON H.C.
Petition for writ of habeas corpus denied

S129057

K'NAPP (ERIC CHARLES R.) ON H.C.
Petition for writ of habeas corpus denied

S129059

LEYBA (LARRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S129061

WALLER (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S129066

COLEMAN (TYRONE) ON H.C.
Petition for writ of habeas corpus denied

S129090

ZEGARRA (JUAN C.) ON H.C.
Petition for writ of habeas corpus denied

S129150

VICK (WILLIAM HUNTER) ON H.C.
Petition for writ of habeas corpus denied

S129153

RODELA (VICTOR) ON H.C.
Petition for writ of habeas corpus denied

S129158

STEWART (JEWEL F.) ON H.C.
Petition for writ of habeas corpus denied

S129163FRANKLIN (PARTRICK O.), ON H.C.
Petition for writ of habeas corpus denied**S129197**PERKINS (RONALD) ON H.C.
Petition for writ of habeas corpus denied**S129210**MARTINEZ (FERNANDO) ON H.C.
Petition for writ of habeas corpus denied**S129280**CRUZ (ANGEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S129313WALKER (RICHIE RAY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Wesley W.* (1981) 125 Cal.App.3d 240, 246.)

S121676B162961 Second Appellate District,
Division FiveSTERLING v. TAYLOR
Application for stay denied.

Petition for writ of supersedeas is denied.

S128426B169913 Second Appellate District,
Division TwoBRAND v. 20TH CENTURY INSURANCE
Publication ordered (case closed)

On the recommendation of the Court of Appeal,
the Reporter of Decisions is directed to publish
the opinion in the above-entitled appeal in the
Officials Reports. (California Rules of Court,
rule 978(c).)

S128107B171607 Second Appellate District,
Division TwoT. (K.), IN RE
Publication request denied (case closed)

S128382

B169988 Second Appellate District,
Division One

VAUGHN v. TOYOTA OF NORTH HOLLYWOOD
Publication request denied (case closed)

S128432

B167757 Second Appellate District,
Division Two

CAPITAL SALVAGE v. CHICAGO TITLE CO
Publication request denied (case closed)

S128489

D038617 Fourth Appellate District,
Division One

TRAPANA v. PRUDENTIAL INSURANCE CO
Publication request denied (case closed)

S128856

A101223 First Appellate District,
Division Three

PEOPLE v. PANTOJA
Depublication request denied (case closed)

S128194

B168551 Second Appellate District,
Division Four

HENRY v. CITY OF SANTA FE SPRINGS
Time extended to grant or deny review
to December 20, 2004.

S128237

F042675 Fifth Appellate District

LARSSON FAMILY TRUST v. GRABACH
Time extended to grant or deny review
to January 3, 2005.

S128300

G031043 Fourth Appellate District,
Division Three

SCOTTSDALE INSURANCE v. CITY OF
HUNTINGTON
Time extended to grant or deny review
to January 4, 2005

S128380

B177301 Second Appellate District,
Division Five

JODOSHU NORTH AMERICA BUDDHIST
MISSIONS v. S.C (BETSUIN)
Time extended to grant or deny review
to January 10, 2005

S128427B158054 Second Appellate District,
Division Seven

RIGBY v. 20TH CENTURY INSURANCE CO.

Time extended to grant or deny review

to January 10, 2005.

S128431G032892 Fourth Appellate District,
G032988 Division Three

GUZMAN v. OLAIRES

Time extended to grant or deny review

to January 11, 2005.

S033149

PEOPLE v. WEAVER (LATWON R.)

Extension of time granted

to December 30, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S038499

PEOPLE v. BELL (STEVEN M.)

Extension of time granted

to December 22, 2004 to file the reply brief. After that date, no further extension will be granted. Extension is granted based upon counsel Anthony J. Dain's representation that he anticipates filing that brief by December 22, 2004.

S043628

PEOPLE v. CARRINGTON (CELESTE)

Extension of time granted

to February 4, 2005 to file the reply brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kathryn E. Collier's representation that she anticipates filing that brief by August 6, 2005.

S044693

PEOPLE v. WALL (RANDALL C.)
Extension of time granted

to February 1, 2005 to file appellant's opening brief. Extension granted based upon counsel Darlene Ricker's representation that she anticipates filing the brief by 6-1-2005. After that date, only two further extensions totaling about 120 additional days will be granted.

S046848

PEOPLE v. DALTON (KERRY LYN)
Extension of time granted

to January 28, 2005 to file appellant's opening brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Denise Anton's representation that she anticipates filing that brief by March 24, 2005.

S049743

PEOPLE v. YOUNG (CAROLINE)
Extension of time granted

to January 28, 2005 to file the respondent's brief. After that date, only five further extensions totaling 290 additional days will be granted. Extension is granted based upon Deputy Attorney General Seth Schalit's representation that he anticipates filing that brief by November 15, 2005.

S054372

PEOPLE v. ERVINE (DENNIS N.)
Extension of time granted

to January 28, 2005 to file appellant's opening brief.

S054569

PEOPLE v. WHALEN (DANIEL L.)
Extension of time granted

to January 28, 2005 to file appellant's opening brief. After that date, only one further

extensions totaling 30 additional days will be granted. Extension is granted based upon counsel A. Richard Ellis's representation that he anticipates filing that brief by the end of February 2005.

S055415

PEOPLE v. COWAN (ROBERT W.)
Extension of time granted

to January 31, 2005 to file respondent's brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General John A. Thawley's representation that he anticipates filing that brief by March 2005.

S056891

PEOPLE v. THOMPSON (JAMES)
Extension of time granted

to January 31, 2005 to file appellant's opening brief. After that date, only one further extensions totaling about 60 additional days will be granted. Extension is granted based upon counsel Irene Kiebert's representation that she anticipates filing that brief within four months.

S059531

PEOPLE v. REDD (STEPHEN MORELAND)
Extension of time granted

to January 20, 2005 to file appellant's opening brief. After that date, no further extensions will be granted. Extension is granted based upon counsel Grace Lidia Suarez's representation that she anticipates filing that brief by January 20, 2005.

S066940

PEOPLE v. CLARK (WILLIAM)
Extension of time granted

to January 28, 2005 to file appellant's opening brief.

S073205

PEOPLE v. WILLIAMS (JACK)
Extension of time granted

to February 7, 2005 to file appellant's opening brief. After that date, only five further extensions totaling 300 additional days will be granted. Extension is granted based upon counsel R. Clayton Seaman, Jr's representation that he anticipates filing that brief by December 10, 2005.

S075725

PEOPLE v. JONES (KIONGOZI)
Extension of time granted

to January 28, 2005 to file appellant's opening brief. After that date, only three further extensions totaling about 185 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S075727

PEOPLE v. JOHNSON (CEDRIC JEROME)
Extension of time granted

to February 1, 2005 to file appellant's opening brief. After that date, only six further extensions totaling about 330 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S075875

PEOPLE v. RUSSELL (TIMOTHY R.)
Extension of time granted

to February 1, 2005 to file appellant's opening brief. After that date, only nine further extensions totaling about 490 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing that brief by June 2006.

S076175PEOPLE v. LOY (ELOY)
Extension of time granted

to January 28, 2005 to file appellant's opening brief. After that date, only six further extensions totaling about 330 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S078664PEOPLE v. AVILA (JOSEPH)
Extension of time granted

to December 27, 2004 to file appellant's opening brief. After that date, only one further extension totaling about 55 additional days will be granted. Extension is granted based upon counsel Christine J. Levin's representation that she anticipates filing that brief by February 20, 2005.

S120020TAFOYA (IGNACIO A.) ON H.C.
Extension of time granted

to January 28, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extensions will be granted. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by January 28, 2005.

S121723F040188 Fifth Appellate District
F040529JOHNSON v. FORD MOTOR COMPANY
Extension of time denied

for UNITED CALIFORNIA
POLICYHOLDERS to file an amicus curiae
brief.

S123938

B149425 Second Appellate District,
Division Seven

PEOPLE v. ROBINSON

Extension of time granted

Respondent's time to serve and file the reply
brief on the merits is extended to and including
December 9, 2004.

S124067

E031542 Fourth Appellate District,
Division Two

PEOPLE v. IBARRA

Extension of time granted

to December 30, 2004 for respondent to file
reply brief on the merits.

S124179

D041058 Fourth Appellate District,
Division One

KOEKKE v. BERNARDO HTS COUNTRY CLUB

Extension of time granted

to December 8, 2004 for Attorney General to
file the amicus curiae brief.

S124660

RENO ON H.C.

Extension of time granted

to December 20, 2004 to file the informal
response to the petition for writ of habeas
corpus. After that date, only two further
extensions totaling about 50 additional days will
be granted. Extension is granted based upon
Deputy Attorney General Robert David Breton's
representation that he anticipates filing that brief
by February 7, 2005.

S126773

B159750 Second Appellate District,
Division Two

PEOPLE v. SALAS

Extension of time granted

to December 13, 2004 for appellant (Salas) to
file the answer brief on the merits.

S127432

G032739 Fourth Appellate District,
Division Three

GARCIA v. S.C. (CITY OF SANTA ANA)

Extension of time granted

to December 15, 2004 for real party in interest
to file the reply brief on the merits.

S128874COLE (STEPHEN) ON H.C.
Extension of time granted

to January 3, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only five further extensions totaling about 150 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Victoria B. Wilson's representation that she anticipates filing that document by May 1, 2005.

S129240

C041897 Third Appellate District

COALITION FOR REASONABLE REGULATION
Extension of time granted

Respondent's time to serve and file the answer to petition for review is extended to and including December 14, 2004.

S004726PEOPLE v. FIERRO (DAVID REY)
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed associate counsel for permission to withdraw as attorney of record for condemned prisoner David Rey Fierro, filed November 2, 2004, is granted.

The order appointing Michael Laurence as associate counsel of record for condemned prisoner David Rey Fierro, filed August 29, 1991, is hereby vacated.

Saor E. Stetler is hereby appointed as associate counsel of record for condemned prisoner David Rey Fierro. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

James S. Thomson shall remain as appointed lead counsel of record for condemned prisoner David Rey Fierro.

S117112

MAJORS (JAMES D.) ON H.C.
Motion for access to sealed record granted

The Attorney General's "Request for Sealed Records Pursuant to Penal Code Section 987.9, subdivision (d)," filed in this court October 14, 2004, is granted. The clerk of this court is ordered to release to the Attorney General a copy of the clerk's transcript, sealed volume 1, pages 1-407, in *People v. James D. Majors* (S019708), containing the requests for preparation, investigative, and expert funds filed pursuant to section 987.9, subdivision (a). The documents are to remain under seal and their use shall be limited solely to the pending proceeding.

S026040

PEOPLE v. VIEIRA (RICHARD JOHN)
Request for judicial notice denied

Request for judicial notice, filed April 11, 2001, is denied.

S044693

PEOPLE v. WALL (RANDALL C.)
Order filed

Due to clerical error, the order filed in the above matter on 10-5-2004, is amended to read as follows:

Good cause appearing, and based upon counsel Darlene Ricker's representation that she anticipates filing the appellant's opening brief by June 1, 2005, counsel's request for an extension of time in which to file that brief is granted to November 30, 2004. After that date, only three further extensions totaling about 180 additional days will be granted.

S055652

PEOPLE v. FUIAVA (FREDDIE)
Order filed

Appellant's "Motion for Leave to File a Reply Brief in a Capital Case in Excess of 47,600 Words" is granted.

S116670HAWTHORNE (ANDERSON) ON H.C.
Order filed

Petitioner's request to divide time for oral argument is granted.

S116750DAVIS (STANLEY B.) ON H.C.
Motion denied

“Petitioner’s Motion for Leave to Amend His Petition for Writ of Habeas Corpus,” filed October 21, 2004, is denied. The document entitled “Petitioner’s Proposed Amendment to Petition for Writ of Habeas Corpus,” which was received on October 21, 2004, is ordered to be filed nunc pro tunc on October 21, 2004, as a new original petition for writ of habeas corpus, subject to counsel’s verification.

S121676B162961 Second Appellate District,
Division FiveSTERLING v. TAYLOR
Request denied

Counsel's motion to withdraw filed on October 29, 2004 is denied.

S128248B169563 Second Appellate District,
Division EightB. (JOHN) v. S.C. (BRIDGET B.)
Order filed

On November 15, 2004, petitioner’s counsel filed a request for clarification of this court’s order, filed November 10, 2004, granting review and limiting the issues to be briefed and argued on review. In response to the request for clarification, the limited issues to be briefed and argued on review are reframed as follows: (1) Under California law, must one actually know one has a sexually transmissible disease before one can be liable for failing to disclose that fact to a sexual partner (see *Doe v. Roe* (1990) 218 Cal.App.3d 1538)? (2) If actual knowledge is not the exclusive basis for liability, what circumstances short of actual knowledge—for example, willful, conscious, or reckless disregard, or absence of due care in obtaining

such knowledge—may constitute such a basis?
(3) Did the discovery permitted by the Court of Appeal in the present case violate either traditional standards of discovery (e.g., relevance) or constitutionally protected rights of privacy, assuming that liability is (a) limited to actual knowledge or (b) is not limited to actual knowledge, but can be premised on such circumstances as willful, conscious, or reckless disregard, or absence of due care in obtaining such knowledge?

S128364

B178057 Second Appellate District,
Division Five

SANTA MONICA COLLECTION v. S.C. (STERLING)
Request denied

Counsel's motion to withdraw filed on
October 29, 2004 is denied.

S124195

C042944 Third Appellate District
C042947
C042948

CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY v. ALL PERSONS
INTERESTED IN THE MATTER OF THE VALIDITY
OF A PURCHASE AGREEMENT
Motion for leave to intervene granted

The Attorney General's motion to intervene is granted. The answer brief on the merits and any answer to the amicus brief on behalf of plaintiff Statewide is to be filed within 30 days of this order.

